

SUPREME COURT OF ILLINOIS

FRIDAY, JANUARY 13, 2006

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.19034 - In re: Erik Alexander Martin. Disciplinary  
20524 Commission.

(19034) The rule to show cause that issued to respondent Erik Alexander Martin on October 22, 2003, pursuant to Supreme Court Rule 761 is discharged.

Order entered by the Court.

(20524) The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Erik Alexander Martin is suspended from the practice of law for nine (9) months and until he completes a course in professional ethics.

Suspension effective February 3, 2006.

Respondent Erik Alexander Martin shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.20463 - In re: Timothy Robert McAvoy. Disciplinary  
Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed. Respondent Timothy Robert McAvoy is suspended from the practice of law for two and one-half (2.5) years and until he submits proof to the Administrator that he has made restitution to the satisfaction of Donald W. Hartwig, Daniel Howe, Betty Ann Toosley, and Mary Ann Overton Payne.

Suspension effective immediately.

Respondent Timothy Robert McAvoy shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.20519 - In re: Jason Keith Bruno. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Jason Keith Bruno is disbarred and ordered to make restitution to State Farm Insurance Company in the amount of \$600,000.

Order entered by the Court.

M.R.20521 - In re: Susan Freedman Grammer. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Susan Freedman Grammer is censured.

Order entered by the Court.

M.R.20523 - In re: Richard Steven Connors. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed. Respondent Richard Steven Connors is suspended from the practice of law for one (1) year and until he makes restitution in the amount of \$8,333.34 to Tampa General Hospital, or to such other party as determined by a court having jurisdiction over all interested parties.

Suspension effective February 3, 2006.

Respondent Richard Steven Connors shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.20527 - In re: Lawrence Theodore Ruder. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Lawrence Theodore Ruder is censured and ordered to attend the professionalism seminar of the Illinois Professional Responsibility Institute within one (1) year of entry of this order.

Order entered by the Court.

M.R.20538 - In re: Terrence R. McGlynn. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Terrence R. McGlynn is disbarred.

Order entered by the Court.

M.R.20543 - In re: Donald Ray Brewer. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Donald Ray Brewer is censured.

Order entered by the Court.

M.R.20544 - In re: Keith Elliot Yard. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Keith Elliot Yard is suspended from the practice of law for six (6) months, with the suspension entirely stayed by a one (1)-year period of probation subject to the following conditions:

a. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

b. Respondent shall commence within the first fourteen (14) days of probation, and thereafter comply with, the course of treatment recommendation by Dr. Stafford C. Henry or other qualified mental health professional acceptable to the Administrator, including the taking of medications as prescribed;

c. Respondent shall provide to the qualified mental health professional, an appropriate release as required under the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq., authorizing the treating professional to: (a) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (b) promptly report to the

Administrator respondent's failure to comply with any part of an established treatment plan; and (c) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;

d. Respondent shall keep the Administrator informed of his current course of treatment, his attendance, and any change in the course of treatment;

e. Respondent shall notify the Administrator within fourteen (14) days of any change in treatment professionals;

f. Respondent shall participate in Alcoholics Anonymous by attending at least two meetings a week, and maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

g. Respondent shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within 72 hours of his knowledge of that usage;

h. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

i. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within 72 hours of that usage;

j. Respondent's practice of law shall be supervised by a "mentor" who is a licensed attorney acceptable to the Administrator. Respondent shall meet with the mentor at least once a month. Respondent shall authorize the mentor to provide a report in writing to the Administrator no less than every six (6) months, regarding the nature of respondent's work, the number of cases being handled by respondent and the supervisor's general appraisal of respondent's continued fitness to practice law;

k. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the extent of his compliance with the conditions of probation;

l. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

m. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

n. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

o. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct;

p. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The six (6)-month period of suspension shall commence from the date of the determination that any term of probation has been violated; and

q. If respondent successfully completes the term of his probation, probation shall terminate without further order of the Court.

Order entered by the Court.

M.R.20560 - In re: Charles James Holley. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Charles James Holley is suspended from the practice of law for sixty (60) days.

Suspension effective February 3, 2006.

Respondent Charles James Holley shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.20562 - In re: Frederick Robert Redell. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, this cause is remanded to the Commission for proceedings before a different hearing panel.

Order entered by the Court.

M.R.20581 - In re: Justin T. Fitzsimmons. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Justin T. Fitzsimmons is censured.

Order entered by the Court.

M.R.20582 - In re: John J. O'Malley. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent John J. O'Malley is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed in its entirety by a two (2)-year period of probation, subject to the following conditions:

a. Respondent shall attend meetings scheduled by the Attorney Registration and Disciplinary Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

b. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

c. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

d. Respondent shall reimburse the Attorney Registration and Disciplinary Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Attorney

Registration and Disciplinary Commission for any further costs incurred during the period of probation;

e. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct;

f. Respondent shall completely abstain from the use of alcohol and any unprescribed controlled substances;

g. Respondent shall continue treatment with Dr. Daniel A. Bush, a psychiatrist, or such other psychiatrist acceptable to the Administrator. Respondent shall inform any such psychiatrist of his addiction history;

h. Respondent shall comply with all treatment recommendations of Dr. Bush or any other approved psychiatrist, including the taking of medications as prescribed;

i. Respondent shall provide to Dr. Bush, or any other approved psychiatrist, an appropriate release, authorizing the treating psychiatrist to: (i) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (ii) promptly report to the Administrator respondent's failure to comply with any part of any established treatment plan; and (iii) respond to any inquiries of the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;

j. Respondent shall notify the Administrator within fourteen (14) days of any change in treating psychiatrist;

k. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

l. Respondent shall continue to participate in Alcoholics Anonymous or other 12-step program approved by the Administrator by attending at least three (3) meeting per week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

m. Respondent shall secure and maintain a sponsor in a 12-step program for at least the first two (2) years of participation in the 12-step program. Respondent shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and shall report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his knowledge of that usage;

n. Respondent shall complete the aftercare portion of the Haymarket Center. Respondent is to maintain a log of his participation in this aftercare group and submit it to the Administrator with his quarterly reports;

o. Respondent shall complete a two (2)-year Alcoholics Anonymous commitment;

p. Respondent shall report to the Administrator any lapse of his sobriety or usage of any unprescribed controlled substance within seventy-two (72) hours of that usage; and

q. Probation shall be revoked if respondent is found to have violated any of the terms of his probation. The remaining period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Order entered by the Court.

M.R.20583 - In re: James Edward Augustyn. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent James Edward Augustyn is suspended from the practice of law for sixty (60) days, with the suspension stayed in its entirety by a one (1)-year period of probation, subject to the following conditions:

a. Respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute;

b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the



Administrator, including:

Trust Account Procedures

Basic accounting records that must be maintained daily and accurately:

Account Check Register - List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of the deposit, the client matter, the deposit number, and the amount of the deposit. Maintain a copy of each item deposited.

Account Disbursement Journal - List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check.

Client Ledger Journal - List chronologically for each client matter all receipts, disbursements, and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents which must be preserved for seven (7) years:

Bank Statements

Deposit slips

Cancelled checks - All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

Time and billing records

Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements, settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

Reconciliation

There must be a running balance maintained for all ledgers and account books. The balances in the

client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register, and the bank statements. Records of each reconciliation must be maintained for seven years;

c. During the period of probation, respondent shall meet with counsel for the Administrator on at least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with Condition (b);

d. Respondent shall notify the Administrator within fourteen(14)days of any change of address;

e. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

f. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

g. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct; and

h. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The suspension of sixty (60) days shall commence from the date of the determination that any term of probation has been violated.

Order entered by the Court.

M.R.20589 - In re: Henry Joseph Romanski. Disciplinary Commission.

The petitions by the Administrator of the Attorney Registration and Disciplinary Commission and respondent Henry Joseph Romanski for leave to file exceptions to the report and recommendation of the Review Board are denied. Respondent is suspended from the practice of law for three (3) years, as recommended by the Review Board.

Suspension effective February 3, 2006.

Respondent Henry Joseph Romanski shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the

termination of the period of suspension.

Order entered by the Court.

M.R.20590 - In re: Thomas Charles Rich. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Thomas Charles Rich is censured.

Order entered by the Court.

M.R.20605 - In re: John Dysart Landry. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent John Dysart Landry is suspended from the practice of law for two (2) years and until further order of the Court, with the suspension stayed after one (1) year by a two (2)-year period of probation, subject to the following conditions which will commence on the effective date of the Court's order of discipline:

a. Respondent shall attend meetings scheduled by the Attorney Registration and Disciplinary Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the extent of his compliance with the conditions of probation;

b. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

c. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

d. Respondent shall reimburse the Attorney Registration and Disciplinary Commission for the costs of this proceeding as defined in Supreme Court Rule 773, and shall reimburse the Attorney Registration and Disciplinary Commission for any further costs incurred during the period of probation;

e. Respondent shall follow the treatment recommendations made by Dr. Henry:

1) Respondent shall enter and participate in an outpatient treatment program with a doctorate level, licensed psychotherapist, which course of treatment shall include instruction on how to maintain appropriate boundaries in professional relationships with clients, and shall continue during respondent's period of suspension and probation;

2) Respondent shall refrain from meeting with female clients at their homes or alone in his office; and

3) Respondent shall come under the care of a primary care physician;

f. Respondent shall keep the Administrator informed of his current course of treatment, his attendance, and any change in the course of treatment;

g. Respondent shall sign the necessary releases to allow his treating physicians to: (1) disclose to the Administrator on at least a quarterly basis, information pertaining to the nature of respondent's compliance with his probation; and (2) respond to any inquiries from the Administrator regarding respondent's treatment;

h. Respondent shall notify the Administrator within seven (7) days of any change in treatment professionals;

i. Probation shall be revoked if respondent is found to have violated any of the terms of his probation. The remainder of the two (2)-year period of suspension shall commence on the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Suspension effective February 3, 2006.

Respondent John Dysart Landry shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.20607 - In re: Whitney Dove Hardy. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent Whitney Dove Hardy is censured, as recommended by the Review Board.

Order entered by the Court.

M.R.20625 - In re: Daniel Francis Murray. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Daniel Francis Murray is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed after ninety (90) days and respondent placed on probation for a period of two (2) years, with probation to terminate after two (2) years without further order of Court if respondent complies with the following conditions of probation, which will take effect on the effective date of the Court's order of discipline:

a. Respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute;

b. Respondent shall abstain from the use of alcohol and any non-prescribed controlled substances;

c. Respondent shall continue in his course of treatment for substance abuse with Riverside Resolve Center or such other qualified mental health provider acceptable to the Administrator;

d. Respondent shall comply with all treatment recommendations of Riverside Resolve Center or such other qualified mental health provider;

e. Respondent shall provide to Riverside Resolve Center, or such other qualified mental health provider, an appropriate release authorizing the treating provider to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's compliance with any established treatment plans;

f. Respondent shall notify the Administrator within fourteen (14) days of any change in treatment providers;

g. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health provider or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator.

Respondent shall pay any and all costs of such testing;

h. Respondent shall participate in Alcoholics Anonymous by attending at least the number of meetings per week recommended by Riverside Resolve Center or such other mental health provider. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

i. Respondent shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or use of non-prescribed controlled substances to the Administrator within 72 hours of his or her knowledge of that use;

j. Respondent shall report to the Administrator any lapse in his sobriety or use of any non-prescribed controlled substances within 72 hours of that usage;

k. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

l. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

m. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

n. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

o. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct; and

p. Probation shall be revoked if respondent is found to have violated any of the terms of

probation. The remaining period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Suspension effective February 3, 2006.

Order entered by the Court.